

STEVEN H. GURNEE, ESQ. SB# 66056  
 JOHN A. MASON, ESQ. SB#166996  
 GURNEE & DANIELS LLP  
 2240 Douglas Boulevard, Suite 150  
 Roseville, California 95661-3805  
 Telephone (916) 797-3100  
 Facsimile (916) 797-3131  
 steve@gurneelaw.com  
 john@gurneelaw.com

\*E-FILED 7/19/05\*

J. CLIFFORD GUNTER III (Texas Bar No. 08627000)  
 ANDREW EDISON (Texas Bar No. 00790629)  
 BRACEWELL & GIULIANI LLP  
 Pennzoil Place – South Tower  
 711 Louisiana Street, Suite 2300  
 Houston, TX 77002-2781  
 Telephone (713) 223-2300  
 Facsimile (713) 221-1212  
 clifford.gunter@bracewellgiuliani.com  
 andrew.edison@bracewellgiuliani.com  
 (PRO HAC VICE APPLICATION PENDING)

Attorneys for Defendant  
 POWEREX CORP., a Canadian Corporation

UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
 (SAN JOSE DIVISION)

PREFERRED ENERGY SERVICES, INC.	)	Case No. C0501435 RS
	)	
Plaintiff,	)	
vs.	)	<b>STIPULATED REQUEST AND</b>
	)	<b><del>PROPOSED</del> ORDER TO CONTINUE</b>
RELIANT ENERGY SERVICES; DUKE	)	<b>CASE MANAGEMENT CONFERENCE</b>
ENERGY TRADING AND MARKETING,	)	<b>AND RELATED DEADLINES</b>
LLC; DYNEGY, INC.; POWEREX CORP.,;	)	
WILLIAMS ENERGY MARKETING;	)	
SEMPRA ENERGY RESOURCES, INC.,	)	
AND TRADING COMPANY; and DOES 1 -	)	
1000,	)	Complaint filed: October 1, 2004
	)	
Defendants.	)	

The parties, by and through their counsel of record, respectfully request the Court to  
 continue the date of the Initial Case Management Conference in this matter [Civil L.R. 16-10], as

1 well as related pre-Conference deadlines for reasons set forth below. All parties agree to the  
2 proposed changes.

3 This action was filed in Santa Clara County Superior Court on October 1, 2004 and  
4 removed to this Court by defendants on April 7, 2005. Upon removal, the matter was assigned to  
5 the Hon. Magistrate Judge Richard Seeborg and an Order was issued setting the matter for an initial  
6 Case Management Conference on August 10, 2005. The Order further requires the parties, on or  
7 before July 20, 2005, to meet and confer regarding initial disclosures, early settlement, ADR  
8 process selection, and discovery plan, and to file a Joint ADR Certification with Stipulation to ADR  
9 process or a Notice of Need for ADR Phone Conference. In addition, the Order requires the  
10 parties to complete initial disclosures or state objection in its Rule 26(f) Report, file/serve a Case  
11 Management Statement, and file/serve a Rule 26(f) Report no later than August 3, 2005.  
12

13  
14 On April 12, 2005, shortly after removal to this Court, defendant Reliant Energy filed a  
15 Joint Notice of Potential Tag-Along Actions in *In re: California Wholesale Electricity Litigation*,  
16 MDL Docket No. 1405, before the Judicial Panel on Multidistrict Litigation ("JPML"), seeking  
17 transfer of this action to the Southern District of California for coordination with other actions  
18 currently before the Honorable Judge Whaley. On May 13, 2005, the JPML issued its Conditional  
19 Transfer Order, in response to which Plaintiff filed a Notice of Opposition. *The JPML's hearing*  
20 *on Plaintiff's Opposition to the Conditional Transfer Order will take place on Thursday, July*  
21 *28, 2005, and a decision is expected by the JPML shortly thereafter.*  
22  
23

24 Based on the fact that an Order from the JPML transferring this action to the Southern  
25 District of California would render any further proceedings in this Court unnecessary, the parties  
26 agree that it is in their best interests, and well as in the interests of judicial efficiency and economy,  
27  
28

1 to postpone the Case Management Conference and all related pre-Conference deadlines until after  
2 the JPML's ruling has been issued.

3 Based on the foregoing, the parties respectfully request that the Court issue an Order  
4 vacating the current Case Management Conference date of August 10, 2005 and all related pre-  
5 Conference deadlines and directing the parties to immediately notify the Court of the JPML's ruling  
6 on the issue of transferring this action to the Southern District of California once it has been issued.  
7 The parties further request that the Court's Order specify that new dates for the Case Management  
8 Conference and related pre-Conference deadlines shall, if necessary, be set by the Court following  
9 issuance of the JPML's ruling.  
10  
11

12 **IT IS SO STIPULATED:**

13 DATED: July \_\_\_\_\_, 2005

GURNEE & DANIELS LLP

14  
15 By /s/ Steven H. Gurnee \_\_\_\_\_  
16 STEVEN H. GURNEE  
JOHN A. MASON

17 2240 Douglas Boulevard, Suite 150  
18 Roseville, California 95661-3805  
19 (916) 797-3100  
Facsimile (916) 797-3131

20 BRACEWELL & GIULIANI LLP

21 J. CLIFFORD GUNTER III  
22 ANDREW M. EDISON  
23 711 Louisiana, Suite 2300  
24 Houston, Texas 77002  
25 (713) 223-2300  
Facsimile (713) 221-1212

26 Attorneys for Defendant  
27 POWEREX CORP.  
28

DICKSTEIN SHAPIRO MORIN & OSHINSKY  
LLP

By: /s/ Joel B. Kleinman  
JOEL B. KLEINMAN

2101 L Street NW  
Washington, D.C. 20037  
(202) 785-9700

Attorneys for Defendant  
DUKE ENERGY TRADING AND  
MARKETING, L.L.C.

BINGHAM MCCUTCHEN LLP

By: /s/ Terry J. Houlihan  
TERRY J. HOULIHAN  
GEOFFREY T. HOLTZ

Three Embarcadero Center  
San Francisco, California 94111-4067  
(415) 393-2022  
Facsimile (415) 393-2286

LUCE FORWARD HAMILTON & SCRIPPS

CHRISTOPHER J. HEALEY  
600 West Broadway, Suite 2600  
San Diego, California 92101-3391  
(619) 236-1414  
Facsimile (619) 232-8311

BAKER BOTTS L.L.P.

J. GREGORY COPELAND  
MARK R. ROBECK  
One Shell Plaza  
910 Louisiana  
Houston, Texas 77002  
(713) 229-1234  
Facsimile (713) 229-7731

Attorneys for Defendant  
RELIANT ENERGY SERVICES, INC.

LATHAM & WATKINS LLP

By: /s/ Michael J. Weaver  
MICHAEL J. WEAVER  
KIMBERLY A. HICKS  
ELISABETH R. CANNON

600 West Broadway, Suite 1800  
San Diego, California 92101-3375  
(619) 236-1234  
Facsimile (619) 696-7419

Attorneys for Defendant  
SEMPRA ENERGY RESOURCES, INC.

1 PILLSBURY WINTHROP SHAW  
2 PITTMAN LLP

3  
4 By: /s/ Michael J. Kass \_\_\_\_\_  
5 DOUGLAS R. TRIBBLE  
6 MICHAEL J. KASS

7 101 West Broadway, Suite 1800  
8 San Diego, California 92101-8219  
9 (619) 234-5000  
Facsimile (619) 236-1995

10 Attorneys for Defendant  
11 DYNEGY POWER MARKETING, INC.

12 DLA PIPER RUDNICK GRAY CARY  
13 US LLP

14  
15 By: /s/ Mark H. Hamer \_\_\_\_\_  
16 JEFFREY M. SHOHET  
MARK H. HAMER

17 4365 Executive Drive, Suite 1100  
18 San Diego, California 92121  
19 (858) 677-1400  
Facsimile (858) 677-1477

20 Attorneys for Defendant  
21 WILLIAMS POWER COMPANY  
22 (Formerly known as Williams Energy Marketing  
23 & Trading Co.)  
24  
25  
26  
27  
28

ISON LAW OFFICES

By: /s/ Neil Ison

NEIL ISON

160 W. Santa Clara Street, Suite 1050

San Jose, California 95113

(408) 286-3070

Facsimile (408) 286-3602

Attorney for Plaintiff

PREFERRED ENERGY SERVICES, INC.

Good cause therefore appearing, IT IS SO ORDERED.

Dated: July 19, 2005

/s/ Richard Seeborg

United States Magistrate Judge